

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

DEC 27 2011

DENNIS P. LAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY JK DEP CLK

United States of America

v.

Marcel Holmes

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*Terrence Boyle*

Judge's signature

Date of Original Judgment: 09/16/2004  
Date of Previous Amended Judgment:  
(Use Date of Last Amended Judgment if Any)ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 114 months is reduced to 98 months on Count 1.

Count 2 remains 60 months, concurrent.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated September 16, 2004 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

12-23-11

U.S. District Court Judge Terrence W. Boyle

Printed name and title